

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 60th LEGISLATURE - REGULAR SESSION**

#### **JOINT APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES**

Call to Order: By Chairman Edith Clark, on February 8, 2007 at  
10:30 A.M., in Room 102 Capitol.

#### **ROLL CALL**

##### **Members Present:**

Rep. Edith Clark, Chairman (R)  
Sen. Dan Weinberg, Vice Chairman (D)  
Sen. John Cobb (R)  
Rep. Joey Jayne (D)  
Sen. Greg Lind (D)  
Rep. Penny Morgan (R)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Robert V. Andersen, OBPP  
Marilyn Daumiller, Legislative Branch  
Peg Holwick, Committee Secretary  
Lois Steinbeck, Legislative Branch  
Pat Sullivan, OBPP  
Kris Wilkinson, Legislative Branch

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

##### **Committee Business Summary:**

Hearing: None.

Executive Action: statewide personal service; medicaid caseload; providers' increase; physician increase; DP 20012; DP 20016; DP 20001; DP 20006; DP 20011; DP 20020; DP 20022; DP 20908; TANF; DP 30001; DP 30002; DP 30005; DP 30003; DP 30903; DP 10001; DP 10003; DP 10010; DP 10011; DP 10026; DP 11017; DP 11016; 11006; DP 11008; DP 11009 DP 11031; DP 11011; DP 11012; DP 11013; DP 11038; D 11901; pharmacy savings; CHIP expansion; medicaid eligibility; therapeutic group

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homes; DP 22205; DP 22218; DP 22909; DP 22103; DP  
22105; DP 22106; DP 22104; nursing homes; aging  
services; DP 33203; DP 33304; DP 33407; DP 3410; DP  
33506; BIHF; suicide prevention; state special revenue.

00:00:55 John Chappuis, Deputy Director, Department of Public Health and Human Services, (DPHHS)

**EXHIBIT(jhh28a01)**

00:01:18 Joan Miles, Director, DPHHS

**EXHIBIT(jhh28a02)**

00:02:30 Rep. Jayne

00:02:32 Rep. Clark

00:04:20 Sen. Cobb

### **EXECUTIVE ACTION**

00:04:51 **Motion:** Sen. Cobb moved the nonstatutory statewide personal services adjustment, **BE REINSTATED.**

### **Discussion:**

00:05:42 Lois Steinbeck, Legislative Fiscal Division, (LFD)

00:06:30 **Vote:** Motion carried unanimously by voice vote.

00:06:55 **Motion/Vote:** Sen. Cobb moved the medicaid caseload adjustments **BE ADOPTED.** Motion carried unanimously by voice vote.

00:08:11 **Motion:** Sen. Cobb moved to provide a 2.5 percent rate increase each year of the biennial for providers.

### **Discussion:**

00:10:00 Lois Steinbeck

00:10:32 John Chappuis, Deputy Director, Public Health and Human Services, (DPHHS)

00:10:34 **Vote:** Motion carried unanimously by voice vote.

00:10:40 **Motion:** Sen. Cobb moved \$700,000 general fund for a physician rate increase in fiscal year 2009 biennium plus federal funds.

### **Discussion:**

00:11:25 Rep. Jayne

00:11:45 John Chappuis

00:12:46 **Vote:** Motion carried unanimously by voice vote.

00:13:23 **Motion/Vote:** Sen. Cobb moved DP 20012 **BE ADOPTED.** Motion carried unanimously by voice vote.

00:13:30 **Motion/Vote:** Sen. Cobb moved DP 20016 **BE ADOPTED.**  
Motion carried unanimously by voice vote.

00:15:15 **Motion/Vote:** Sen. Cobb moved DP 20001, as biennial  
and one-time-only funding, **BE ADOPTED.** Motion carried  
unanimously by voice vote.

00:16:09 **Motion/Vote:** Sen. Cobb moved DP 20006, with restricted,  
one-time-only funding, with language to assess the  
program, **BE ADOPTED.** Motion carried unanimously by  
voice vote.

00:16:36 **Motion:** Sen. Cobb moved DP 20011, as one-time-only  
funding with language, **BE ADOPTED.**

00:16:53 **Substitute Motion:** Rep. Morgan moved to restrict the  
appropriation.

00:17:37 Marilyn Daumiller, LFD

00:18:24 **Vote:** Motion carried unanimously by voice vote.

00:18:36 **Motion:** Sen. Cobb moved DP 20020 **BE ADOPTED.**

**Discussion:**

00:18:45 Marilyn Daumiller

00:19:06 **Substitute Motion:** Sen. Cobb moved the adjusted  
DP, new number provided by the division, DP 20020 **BE**  
**ADOPTED.**

00:19:15 **Vote:** Motion carried unanimously by voice vote.

00:19:25 **Motion:** Sen. Cobb moved DP 20022 as biennial, one-  
time-only, restricted funding, with language stating  
the appropriation be used as nonfederal match only for  
the IDA savings accounts established by this  
appropriation, and that reports are made to the  
Legislative Finance Committee during the Interim, **BE**  
**ADOPTED.**

**Discussion:**

00:19:30 Marilyn Daumiller

00:19:40 **Vote:** Motion carried unanimously by voice vote.

00:20:34 **Motion:** Sen. Cobb moved DP 20908, with a reduction from two million to one million, with remaining one million, (500,000 each year), biennial to senior long term care one-time-only funding for area agencies aging services, **BE ADOPTED.**

00:21:21 **Substitute Motion:** Rep. Jayne moved the original DP 20908, **BE ADOPTED.**

00:21:23 **Vote:** Motion failed 1-5 by voice vote with Rep. Jayne voting aye.

00:21:56 **Vote:** Motion carried unanimously by voice vote.

**Discussion:**

00:22:28 Sen. Cobb

[\*\*EXHIBIT\(jhh28a03\)\*\*](#)

00:23:29 Rep. Mary Caferro

00:24:00 Rep. Jayne

00:24:10 Sen. Cobb

00:24:44 **Motion/Vote:** Sen. Cobb moved that the money from Accelerated Employment Services in TANF be moved to Work Training Programs run by TANF work contractors as line item, restricted funding, **BE ADOPTED.** Motion carried unanimously by voice vote.

00:24:58 **Motion:** Sen. Cobb moved DP 30001 **BE ADOPTED.**

**Discussion:**

00:25:39 Marilyn Daumiller

00:26:41 **Vote:** Motion carried unanimously by voice vote.

00:26:53 **Motion/Vote:** Sen. Cobb DP 30002, **BE ADOPTED.** Motion carried unanimously by voice vote.

00:27:17 **Motion:** Sen. Cobb moved DP 30005, as restricted one-time-only. **BE ADOPTED.**

**Discussion:**

00:27:32 Marilyn Daumiller

00:27:35 **Vote:** Motion carried unanimously by voice vote.

00:27:40 **Substitute Motion:** Sen. Cobb moved DP 30005, with contingency language reflecting federal law changes, restricted, one-time-only, **BE ADOPTED.**

00:28:28 **Vote:** Motion carried unanimously by voice vote.

00:28:49 **Motion/Vote:** Sen. Cobb moved DP 30003 as restricted, one-time-only funding, **BE ADOPTED.** Motion carried unanimously by voice vote.

00:29:19 **Motion:** Sen. Cobb moved DP 30903 as restricted, one-time-only, \$300,000 General Fund each year of the biennium, **BE ADOPTED.**

**Discussion:**

00:30:00 John Chappuis

00:31:05 **Substitute Motion/Vote:** Rep. Jayne to keep original funding, **BE ADOPTED.** Motion failed 1-5 with Rep. Jayne voting aye.

00:32:04 **Vote:** Motion carried with Jayne voting no.

00:32:24 **Motion/Vote:** Sen. Cobb moved DP 10001, **BE ADOPTED.** Motion carried unanimously by voice vote.

00:34:16 **Motion/Vote:** Sen. Cobb moved DP 10003, **BE ADOPTED.** Motion carried unanimously by voice vote.

00:34:44 **Motion:** Sen. Cobb moved DP 10010, with general fund of \$500,000 each year of the biennium and the appropriate reductions in federal funds be adopted as one-time-only and restricted, **BE ADOPTED.**

**Discussion:**

00:34:46 Sen. Cobb

00:37:06 **Substitute Motion/Vote:** Rep. Jayne moved that DP 10010 as stated in the original proposal, **BE ADOPTED.** Motion failed 1-5 with Rep. Jayne voting aye.

00:38:17 **Vote:** Original Motion carried 5-1 by voice vote with Rep. Jayne voting no.

00:39:18 **Motion:** Sen. Cobb moved DP 10011, **BE ADOPTED.**

00:39:39 **Substitute Motion/Vote:** Rep. Jayne requested that DP 10011 the total amount of the rate re-basing be at a total of 24 million dollars, **BE ADOPTED**. Motion failed with Rep. Jayne voting aye.

00:41:35 **Vote:** Motion carried with Rep. Jayne voting no.

00:41:54 **Motion/Vote:** Sen. Cobb moved that DP 10026, **BE ADOPTED**. Motion carried unanimously by voice vote.

00:42:18 Sen. Cobb

00:43:12 Lois Steinbeck, LFD

00:43:49 **Motion/Vote:** Sen. Cobb moved DP 11017 as restricted funding, including goals and objectives, **BE ADOPTED**. Motion carried unanimously by voice vote.

00:44:44 **Motion:** Sen. Cobb moved DP 11016, **BE ADOPTED**.

**Discussion:**

00:44:44 Lois Steinbeck,

00:45:40 Kris Wilkinson, LFD

00:46:03 **Substitute Motion/Vote:** Sen. Cobb moved DP 11016 with the justification form, **BE ADOPTED**. Motion carried unanimously by voice vote.

00:46:23 **Motion/Vote:** Sen. Cobb moved DP 11006, **BE ADOPTED**. Motion carried unanimously by voice vote.

00:48:15 **Motion:** Sen. Cobb moved DP 11008 as \$3.9 million for fiscal year 2008 and \$5.1 million for state special revenue for fiscal year 2009, **BE ADOPTED**.

**Discussion:**

00:48:45 Rep. Jayne

00:49:03 Sen. Cobb

00:49:29 **Substitute Motion/Vote:** Rep. Jayne moved that DP 11008 remain at proposed original level, **BE ADOPTED**. Motion failed 1-5 with Rep. Jayne voting aye.

00:50:00 **Vote:** Motion carried with Rep. Jayne voting no.

00:50:29 **Motion/Vote:** Sen. Cobb moved DP 11009, **BE ADOPTED**. Motion carried 5-1 unanimously by voice vote.

00:50:48 **Motion/Vote:** Sen. Cobb moved DP 11031, split in two for each fiscal year, **BE ADOPTED**. Motion carried unanimously by voice vote.

00:52:34 **Motion:** Sen. Cobb moved a funding change by taking \$177,868 of general fund and increase federal and state special fund.

**Discussion:**

00:52:45 Lois Steinbeck

00:53:40 Rep. Jayne

00:54:19 **Vote:** Motion carried unanimously by voice vote.

00:54:33 **Motion:** Sen. Cobb moved DP 11011 with justification report, **BE ADOPTED**.

**Discussion:**

00:55:06 Lois Steinbeck

00:55:40 John Chappuis

00:55:51 Sen. Cobb

00:56:25 Rep. Jayne

00:56:44 **Vote:** Motion carried unanimously by voice vote.

00:56:50 **Motion/Vote:** Sen. Cobb moved DP 11012 with proper fiscal note and contingent upon passage and approval of SB 118, **BE ADOPTED**.

00:57:29 **Motion/Vote:** Sen. Cobb moved DP 11013 **BE ADOPTED**. Motion carried unanimously by voice vote.

00:57:46 **Motion:** Sen. Cobb moved, DP 11038 as one-time-only funding, **BE ADOPTED**.

**Discussion:**

00:57:50 Lois Steinbeck

00:58:00 **Vote:** Motion carried unanimously by voice vote.

00:58:35 **Motion/Vote:** Sen. Cobb moved DP 11901, **BE ADOPTED**. Motion carried unanimously by voice vote.

00:58:58 Sen. Lind

**EXHIBIT**(jhh28a04)

00:59:47 Lois Steinbeck



01:01:09 **Motion:** Sen. Lind moved that costs in pharmacy savings in fiscal year 2008 and 2009 be in a decision package for consideration, **BE ADOPTED.**

**Discussion:**

01:01:39 Lois Steinbeck

01:02:24 **Vote:** Motion carried 5-1 by voice vote with Rep. Jayne voting no.

01:02:59 Sen. Cobb moved that CHIP expansion be funded with I149 money, contingent upon passage and approval of SB 22 and line item restricted, **BE ADOPTED.**

**Discussion:**

01:03:49 Lois Steinbeck

01:04:17 Sen. Weinberg

01:04:52 Lois Steinbeck

01:05:28 Sen. Weinberg

01:06:16 Rep. Jayne

01:07:38 **Vote:** Motion carried unanimously by voice vote.

01:07:44 **Motion:** Rep. Morgan moved a new decision package to raise financial eligibility to include pregnant women and children in their first year of life, with I149 funds, **BE ADOPTED.**

**Discussion:**

**EXHIBIT(jhh28a05)**

01:09:09 Lois Steinbeck

01:09:39 **Vote:** Motion carried unanimously by voice vote.

01:09:47 **Motion:** Sen. Cobb to spend \$500,000 of the general fund plus matching federal funds and increase that in 2008 biennium and 2009 to \$1,000,000 plus matching federal funds to alter the monthly medically needy spend down by \$100.

**Discussion:**

01:10:27 John Chappuis

01:13:06 **Vote:** Motion carried unanimously by voice vote.

01:12:03 **Motion:** Rep. Jayne moved a new decision package to provide a total for each biennium, \$105,000 of one-time-only general fund with federal matching funds, for campus based therapeutic youth group home rate increase, **BE ADOPTED.**

**Discussion:**

01:15:15 Sen. Lind  
01:15:35 Rep. Jayne  
01:15:53 Sen. Weinberg  
01:16:45 Rep. Jayne  
01:17:13 Lois Steinbeck  
01:17:24 Sen. Cobb  
01:18:15 Lois Steinbeck  
01:18:40 Rep. Morgan  
01:19:00 Sen. Weinberg  
01:19:19 Mary Dalton, Administrator, DPHHS  
01:20:56 Sen. Lind  
01:21:25 Mary Dalton  
01:22:25 Sen Lind  
01:22:31 Rep. Morgan  
01:22:47 John Chappuis

01:23:04 **Vote:** Motion carried unanimously by voice vote.

01:24:07 **Motion/Vote:** Sen. Cobb moved DP 22205, **BE ADOPTED.**  
Motion carried unanimously by voice vote.

01:27:04 **Motion/Vote:** Sen. Cobb moved DP 22218, **BE ADOPTED.**  
Motion carried unanimously by voice vote.

01:27:17 **Motion/Vote:** Sen. Cobb moved DP 22909, **BE ADOPTED.**  
Motion carried unanimously by voice vote.

01:27:33 **Motion/Vote:** Sen. Cobb moved DP 22103, **BE ADOPTED.**

01:28:24 **Motion/Vote:** Sen. Cobb moved DP 22105, **BE ADOPTED.**  
Motion carried unanimously by voice vote.

01:28:52 **Motion/Vote:** Sen. Cobb moved DP 22106, **BE ADOPTED.**  
Motion carried unanimously by voice vote.

01:29:00 **Motion:** Sen. Weinberg moved DP 22104 with restrictions; with \$183,000 in fiscal year 2009, to be split over two years, with reporting requirement, **BE ADOPTED.**

**Discussion:**

01:30:32 Rep. Jayne

01:31:00 Kelly Williams, Administrator, DPHHS

01:32:11 **Vote:** Motion failed by voice vote with Sen. Weinberg and Rep Jayne voting aye.

01:33:54 **Substitute Motion/Vote:** Rep. Jayne moved DP 22104 with 183,000 as moved, **BE ADOPTED.** Motion failed with Rep. Jayne voting aye.

01:34:24 **Motion:** Sen. Cobb moved DP 22119, **BE ADOPTED.**

**Discussion:**

01:34:30 Lois Steinbeck

01:34:35 **Vote:** Motion carried unanimously by voice vote. Sen. Lind voted by proxy.

01:35:01 **Motion:** Sen. Cobb moved appropriation of \$1.6 million general fund, \$600,000 each year of the biennium, **BE ADOPTED.**

**Discussion:**

01:36:27 John Chappuis

01:37:40 Kelly Williams

01:38:09 **Vote:** Motion carried unanimously by voice vote. Rep. Morgan voted by proxy.

01:38:32 **Motion/Vote:** Rep. Jayne moved adoption of new proposal to put \$3.5 million in fiscal year 2008 and \$3.5 million for 2009 of general funds for Montana Area Agencies on Aging general funds, **BE ADOPTED.** Motion failed with Rep. Jayne voting aye. Rep. Morgan voted by proxy.

01:40:17 **Motion/Vote:** Sen. Cobb moved DP 33203, with justification report, **BE ADOPTED.** Motion carried unanimously by voice vote.

01:41:19 **Motion/Vote:** Sen. Cobb moved DP 33304, **BE ADOPTED.** Motion carried unanimously by voice vote. Rep. Morgan voted by proxy.

01:41:25 **Motion/Vote:** Sen. Cobb moved DP 33407, **BE ADOPTED.**

Motion carried unanimously by voice vote. Rep. Morgan voted by proxy.

01:41:43 **Motion:** Sen. Cobb moved DP 33410 with changes, **BE ADOPTED.**

**Discussion:**

01:41:45 Lois Steinbeck  
01:41:49 Joan Miles, Director, DPHHS  
01:41:50 Rep. Clark, point of order  
01:41:52 Lois Steinbeck  
01:43:51 Rep. Jayne  
01:43:51 Sen. Cobb

01:43:51 **Vote:** Motion carried unanimously by voice vote.

01:44:36 **Motion:** Sen. Cobb moved DP 33506 contingent upon passage and approval of SB 149 plus justification report, **BE ADOPTED.**

**Discussion:**

01:45:40 Rep. Jayne  
01:46:32 Sen. Cobb

01:46:54 **Substitute Motion/Vote:** Rep. Jayne moved DP 33506 with original amounts in the new proposal, **BE ADOPTED.** Motion failed with Rep. Jayne voting aye.

01:47:59 **Vote:** Motion carried by voice vote with Rep. Jayne voting no.

01:48:22 **Motion:** Sen. Cobb moved that \$3 million of general funds to support one or more Behavioral Health In-patient Facilities (BHIF), as line item, restricted, contingent upon passage and approval of SB 45, **BE ADOPTED.**

**Discussion:**

01:49:14 Sen. Weinberg  
01:49:40 Rep. Jayne  
01:50:11 John Chappuis

01:51:33 **Vote:** Motion carried by voice vote with Rep. Jayne voting no.

01:52:23 **Motion:** Sen. Cobb moved that drop in centers funded with \$500,000, general fund, each year of the biennium, restricted, **BE ADOPTED.**

01:52:37 Sen. Weinberg

01:53:20 Rep. Jayne

01:53:42 Sen. Cobb

01:53:54 **Vote:** Motion carried by voice vote with Rep. Jayne voting no.

01:54:15 **Motion/Vote:** Sen. Cobb. moved \$400,000 general fund each year for suicide prevention hot line and ombudsman plus suicide prevention program coordination. Motion carried unanimously by voice vote.

01:55:16 **Motion:** Sen Cobb. moved approval of state special revenue of \$500,000 of each year of the biennium of spending authority for the Department of Corrections for medications for offenders entering the community, **BE ADOPTED.**

**Discussion:**

01:56:15 John Chappuis

01:57:00 **Vote:** Motion carried unanimously by voice vote.

01:57:20 **Motion:** Sen. Cobb moved that \$500,000 general fund each year for Department of Corrections services in the communities for mentally ill offenders, **BE ADOPTED.**

**Discussion:**

01:57:30 John Chappuis

01:57:40 Sen. Cobb

01:58:41 Rep. Jayne

01:58:46 Sen. Cobb

01:59:29 **Vote:** Motion carried unanimously by voice vote.

01:59:40 **Motion:** Sen. Cobb moved \$3.5 million of general fund each year of the biennium for mental health service plan be appropriated contingent on administration of the program as fee for service, **BE ADOPTED.**

**Discussion:**

01:59:56 Sen. Weinberg

02:01:37 Rep. Jayne

02:02:45 **Vote:** Motion carried unanimously by voice vote.

02:03:00 **Motion:** Sen. Cobb moved DP 33415 as amended, **BE ADOPTED.**

**Discussion:**

02:03:27 Lois Steinbeck

02:04:00 Rep. Jayne

02:04:33 **Vote:** Motion carried unanimously by voice vote.

02:04:40 **Motion:** Sen. Cobb moved to add direct care wage increases to spend a total of \$10.5 million on direct care wages with \$7.5 million general fund and \$3 million I149, with all employees working at minimum wage.

**Discussion:**

02:04:50 Sen. Cobb

[\*\*EXHIBIT\*\*](#) (jhh28a06)

02:07:59 **Vote:** Motion carried unanimously by voice vote.

02:08:09 **Motion:** Sen. Cobb moved \$2.9 million of general fund plus federal match for personal services in fiscal year 2009, contingent upon passage and approval of SB 206 and line item restricted, **BE ADOPTED.**

**Discussion:**

02:09:31 Rep. Jayne

02:09:40 Sen. Cobb

02:10:45 **Vote:** Motion carried unanimously by voice vote.

02:10:58 Sen. Cobb

02:11:54 **Motion:** Sen. Lind moved global motion language with respect to funds in Direct Care Worker Wage Increases.

**Discussion:**

[\*\*EXHIBIT\*\*](#) (jhh28a07)

02:12:53 Lois Steinbeck

02:13:19 **Vote:** Motion carried unanimously by voice vote.

02:13:27 Marilyn Daumiller

**ADJOURNMENT**

02:15:00 Adjournment.

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REP. EDITH CLARK, Chairman

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PEG HOLWICK, Secretary

EC/ph

Additional Exhibits:

**EXHIBIT ([jhh28aad.pdf](#))**